

Remarks:**Best Available Copy**

Reconsideration of the application, as amended herein, is respectfully requested.

Claims 1 - 10 and 12 - 16 are presently pending in the application. Claims 1 and 16 have been amended to include the limitations of former claim 11. Claim 12 has been amended to depend from amended claim 1. Claim 11 has been canceled.

On page 2 of the above-identified Office Action, claims 1 and 16 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U. S. Patent No. 6,445,217 to Kojima et al ("KOJIMA") and claims 1 - 10 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U. S. Patent No. 6,232,810 to Oklobdzija et al ("OKLOBDZIJA"). On page 3 of the Office Action, claims 1 - 10 and 16 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Japanese reference No. 10093397 (the "JAPANESE REFERENCE"). On page 4 of the Office Action, claims 1 - 4 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U. S. Patent Publication No. US 2003/0006812 A1 to Collier et al ("COLLIER"). On page 5 of the Office Action, claims 1 - 4 and 11 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Japanese Publication SHO 60[1985]-224319 to Tomokazu Kouno ("KUONO").

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Applicant respectfully traverses the above rejections, as applied to the amended claims.

Before discussing the prior art in detail, it is believed that a brief review of the invention as presently claimed, would be helpful. All claims now include, among other limitations, the limitation of former dependent claim 11, reciting:

"an activation input to activate the flip-flop with an activation signal, said first switching element and said second switching element being activated or inhibited respectively dependent upon the clock signal, the data signal present at said data input, and the activation signal, causing information of said storage unit to remain stored independently of the clock signal present and the data signal present, in an event of a deactivated activation signal;" [emphasis added by Applicant]

As such, in Applicant's claimed invention, both the first switching element and the second switching element are activated or inhibited, respectively, depending upon the clock signal, the data signal present at the data input, and the activation signal, so that in the event of a deactivated activation signal, information of the storage unit remain stored independently of the clock signal and data signal present.

Applicant believes that none of the references cited in the Office Action includes the particular combination of elements

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presently recited in independent claims 1 and 16, including Applicant's particularly recited activation input.

In fact, in the Office Action, only the KUONO reference is cited against former claim 11, now Applicant's independent claim 1. More particularly, on page 6 of the Office Action, it is stated:

~~"Regarding claim 11, the activation input is the gate of transistor (15) receiving an activation signal (/RES). When the activation signal (/RES) is low, transistor (15) is turned off and the flip-flop is deactivated, and the storage unit remains stored independently of the clock signal and the data signal present."~~

Applicant respectfully disagrees with the above statement from the Office Action. Examining the cited KUONO reference, the transistor (15) is shown as having a gate to which a reset signal is applied. The reset signal of KUONO is used to reset the flip-flop to a predefined state. The reset signal of KUONO fails to prevent the switching of the storage unit (6 of KUONO) if appropriate data signals and clock signals are applied to the first and second switching elements, as is required by all of Applicant's claims. As such, the reset signal of KUONO can not be Applicant's particularly claimed activation signal and transistor 15 cannot be Applicant's particularly claimed activation input.

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Further, Applicant's particularly claimed activation input is connected to both a first switching element and a second switching element. Applicant's particularly claimed activation input is described in the specification of the present application, in connection with Fig. 2. On page 19 of the instant application, lines 15 - 22, state:

"In FIG. 2, provision is made of a further D-type flip-flop 20 with an activation input 21, to which an activation signal E can be applied. The further D-type flip-flop 20 has a storage element 4, a first switching element 8, and a second switching element 9, which are identical to the storage element 4 and the switching elements 8, 9 of the embodiments according to FIG. 1. Identical reference symbols indicate identical elements with an identical function."

In referring to Fig. 2 of the instant application, it can be seen that the activation input 21 is applied to both switching elements via transistors T11 and T20, as recited in Applicant's claims. Being connected to both switching elements, enables Applicants' claimed operation wherein "said first switching element and said second switching element being activated or inhibited, respectively, dependent upon the clock signal, the data signal present at said data input, and the activation signal".

Contrary to Applicant's claimed invention, the KUONO reference neither teaches, nor suggests, Applicant's particularly claimed activation input connected to both a first switching

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element and a second switching element. Even if, for the sake of argument only, the reset signal of KUONO were to be equated to the Applicant's claimed activation input, there is no activation input in KUONO to provide the reset signal that is connected to both a first switching element and a second switching element. See Figs. 10 and 11 of KUONO.

It is accordingly believed that none of the references,

~~whether taken alone or in any combination, teach or suggest~~

~~the features of independent claims 1 and 16. Claims 1 and 16~~

are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1.

Note that the present Office Action does not specify any rejection of, or objection to, previously presented claims 12 - 15. No art is cited in the present action against these claims, nor have they been rejected based on indefiniteness or other informalities. In the event that Applicant's claims are not allowed, Applicant respectfully requests clarification of the status of claims 12 - 15.

In view of the foregoing, reconsideration and allowance of claims 1 - 10 and 12 - 16 are solicited.

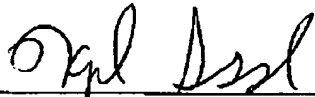
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In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

~~Please charge any fees that might be due with respect to~~
~~Sections 1.16 and 1.17 to the Deposit Account of Lerner and~~
~~Greenberg, P.A., No. 12-1099.~~

Respectfully submitted,



For Applicant

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